

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

INVESTIGATIVE ORDER NO. R9-2008-0014

**TULIO AND ROSE TORRINELLO
MISSION BAY AUTOMOTIVE
1125 MORENA BLVD.
SAN DIEGO, CALIFORNIA**

Pursuant to California Water Code Section 13267, the California Regional Water Quality Control Board, San Diego Region (herein after Regional Board) finds:

1. **Unauthorized Discharge of Waste:** In 1989, an unauthorized discharge of petroleum hydrocarbon waste to soil and ground water was detected at Mission Bay Automotive located at 1125 Morena Blvd. San Diego, San Diego County, California. The waste was discharged from the underground storage tank (UST) system on the property. Free product has been reported to be present at three of the monitoring wells located near the former UST system. On December 21, 1989, the San Diego County Department of Environmental Health issued a notice of the unauthorized release to Mr. Tulio Torrinello. This release has affected the quality of water in the Mission San Diego Hydrologic Subarea.
2. **Parties Responsible for the Discharge:** Tulio and Rose Torrinello and Mission Bay Automotive (hereinafter the Dischargers) are the parties responsible for the discharge. At the time of the unauthorized discharge of waste, Tulio and Rose Torrinello owned the property and the underground storage tank system, and are therefore responsible for the initial discharge of petroleum waste to soil and groundwater at the site detected in 1989.
3. **California Code of Regulations Chapter 16 Requirements:** California Code of Regulations (CCR)¹ Title 23, Division 3, Chapter 16, Article 11 applies to responsible parties for an UST whenever there is any reportable unauthorized release. Applicable requirements of Chapter 16 including the following:
 - a. Section 2652 (d) requires submission of reports to the local agency or Regional Water Quality Control Board every three months until investigation and cleanup are complete.
 - b. Section 2655 requires that free product be removed to the maximum extent practicable, as determined by the local agency.

¹ All references to CCR herein are to Title 23 unless otherwise noted.

- c. Section 2721 requires that corrective action be taken whenever there is any reportable unauthorized release.
 - d. Section 2722 requires the responsible party to submit a workplan prior to implementing any corrective action. The workplan shall include the proposed actions and a proposed schedule for their completion. The responsible party shall modify the workplan, as necessary, at the direction of the regulatory agency.
 - e. Section 2725 provides the requirements for the Soil and Water Investigation Phase, which includes collection and analysis of data necessary to assess the nature and vertical and lateral extent of the unauthorized release and to determine a cost-effective method of cleanup.
 - f. Section 2726 requires the responsible party to implement the workplan and to modify or suspend the workplan when directed to do so by the regulatory agency.
- 4. Necessity of Reporting:** A Soil and Water Investigation is required to comply with 23 CCR Chapter 15 Section 2725. The most recent data provided regarding the extent of contamination is from 1994, and may not be representative of current site conditions and is not adequate to assess the vertical and lateral extent of the release and to determine a cost-effective method for cleanup. The workplan for the Soil and Water Investigation is required pursuant to CCR, Section 2722, to allow regulatory review of the proposed activities. Quarterly reporting is required pursuant to Section 2652 (d).
- 5. Regulatory Authority:** California Water Code section 13267 provides that the Regional Board can require any person who has discharged, discharges, proposes to discharge or is suspected of having discharged or discharging waste to investigate, monitor, and report information. The burden, including the costs, of preparing the reports must bear a reasonable relationship to the need for and the benefits to be obtained from the reports. These findings provide the Dischargers with a written explanation with regard to the need for the reports and identify the evidence that supports the requirement to submit the reports. The associated costs bear a reasonable relationship to the need for the actions, specifically the protection of water quality and beneficial uses in the Mission San Diego Hydrologic Subarea. The required information and subsequent regulatory review are necessary to determine

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whether and to what extent the waste discharged has impacted and/or poses a threat to human health or the environment.

6. **Qualified Professionals.** Discharger reliance on qualified professionals promotes proper planning, implementation, and long-term cost-effectiveness of investigation, and cleanup and abatement activities. Professionals should be qualified, licensed where applicable, and competent and proficient in the fields pertinent to the required activities. California Business and Professions Code Sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of registered professionals.

IT IS HEREBY ORDERED, pursuant to section 13267 of the California Water Code, that the Dischargers must submit the following technical and monitoring reports:

A. REPORTS

1. **Workplan for Soil and Ground Water Investigation:** The soil and ground water investigation includes the collection and analysis of data necessary to assess the nature and vertical and lateral extent of the release and to determine a cost-effective method of cleanup. An adequate workplan must be submitted to the Regional Board no later than **July 30, 2008**. The workplan must:
 - a. Identify all wastes associated with the discharge and the horizontal and vertical extent of the wastes both on and off site to background levels in both the ground water and soil. Identify any data gaps and describe the additional work needed to fill the data gaps.
 - b. Characterize the geology and hydrogeology of the site with respect to transport of the wastes.
 - c. Determine the source(s), and nature of the discharge in the subsurface, and evaluate the impacts of the wastes on all existing and future sensitive receptors that could be affected by the wastes. Characterization of the nature of the discharge should be based on Analytical Data for total petroleum hydrocarbons as gasoline and diesel; total recoverable petroleum hydrocarbons (TRPH); a full suite of volatile organic compounds including benzene, toluene, ethylbenzene, and xylenes, methyl tertiary butyl ether (MTBE), other

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additives oxygenates and chlorinated hydrocarbons; and polynuclear aromatics.

2. **Soil and Groundwater Investigation Report:** The Dischargers must provide a technical report by **October 30, 2008** presenting the outcome of the Soil and Groundwater Investigation. The report must include an adequate characterization of the source(s), nature and extent (both laterally and vertically) of the discharge, and addresses any pollutants that have migrated off-site. The information in the report must provide an adequate basis for determining subsequent cleanup and abatement actions.
3. **Quarterly Reports.** Until investigation and cleanup are complete, reports shall be submitted to the Regional Board every three months, commencing with a quarterly report due on **July 30, 2008**. Quarterly reports shall be submitted according to the following schedule:

Monitoring Period	Due Date for Report
First Quarter (January-March)	Due no later than April 30
Second Quarter (April-June)	Due no later than July 30
Third Quarter (July-September)	Due no later than October 30
Fourth Quarter (October-December)	Due no later than January 30

The quarterly ground water monitoring reports must include:

- a. **Ground Water Elevations:** Measurements of ground water elevation from all wells must be presented in tabular format with: depth to ground water (in feet below ground surface), top of casing elevations, depths to the top of well screens, length of well screens and total depth for each well included in the monitoring program. For all wells containing floating "free petroleum product" (A.K.A. light non-aqueous phase liquid or LNAPL) include the measured thickness of LNAPL in a tabular format. A ground water elevation map must be prepared for each monitored water-bearing zone with the ground water flow direction and calculated hydrologic gradients(s) clearly indicated in the figures(s). A complete tabulation of historical ground water elevations must be included in the fourth quarterly report each year.

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- b. **Site Plot Plan:** Provide a site plot plan which clearly illustrates the locations of monitoring wells, former/current underground storage tank systems (and product piping) and buildings located on site and immediately adjacent to the property lines of the site.
- c. **Analytical Data:** Analytical data for contaminants of concern must be provided for at least one round of groundwater samples from all wells at the site. Analytical data for subsequent quarters should be provided according to the sampling frequency specified in the workplan.
 - i. Present all ground water sampling data in tabular format. Isoconcentration map(s) must be prepared for constituents of concern (COCs) for each monitored water-bearing zone, as appropriate. Time versus concentration plots and distance versus concentration plots that also show ground water elevations must be prepared for constituents of concern for appropriate wells.
 - ii. Provide a site plot plan with the most recent concentrations of total petroleum hydrocarbons and volatile aromatic hydrocarbons (e.g. benzene, toluene, ethylbenzene, total xylenes, MTBE, and other fuel oxygenates).
 - iii. The report must provide technical interpretations of the ground water data, and describe any significant increases in pollutant concentrations since the last report, any measures proposed to address the increases, any changes to the site conceptual model, any conclusions and recommendations for future action with each report.
 - iv. The report must describe analytical methods used, detection limits obtained for each reported constituent, and a summary of QA/QC data.
 - v. Historical ground water sampling results must be listed in tabular form and included in the fourth quarterly report each year.
- d. **Procedures and Protocol:** The report must indicate sample collection protocol(s), describe how investigation derived wastes are managed at the site, and include documentation of proper disposal of contaminated well purge water and/or soil cuttings removed from the site.

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- e. **Site Conceptual Model:** The site conceptual model (SCM) is a written or pictorial representation of the release scenario and the likely distribution of waste at the site, as well as potential pathways and receptors. The SCM must identify and describe the types of wastes present including their distribution in space and time, and how the wastes are changing in space and time. The SCM must be refined and updated as site characterization data becomes available.
- f. **Status Report:** The quarterly report must describe relevant work completed during the reporting period (e.g. site investigation, interim remedial measures) and work planned for the following quarter.

B. PROVISIONS

1. **Contractor/Consultant Qualifications:** All reports, plans and documents required under this Order shall be prepared under the direction of appropriately qualified professionals. The lead professional performing engineering and geologic evaluations and judgments shall sign and affix their professional geologist or civil engineering registration stamp to all technical reports, plans or documents submitted the Regional Board. ..
2. **Lab Qualifications:** All samples must be analyzed by California State-certified laboratories using approved EPA methods for the type of analysis to be performed. All laboratories must maintain quality assurance/quality control (QA/QC) records for Regional Board review.
3. **Reporting of Changed Owner or Operator:** The Discharger must notify the Regional Board of any changes in site occupancy or ownership associated with the property described in this Order.
4. **Penalty of Perjury Statement.** All reports must be signed by the Dischargers' principal executive officer or their duly authorized representative, and must include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.
8. **Electronic Data Submittals:** All information submitted to the Regional Board in compliance with this Order in paper copy format is also required to be submitted electronically via the Internet into the GeoTracker database. To comply with section 3893, Title 23, CCR; your update to the Geotracker database must include the following minimum information:

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- a. Data generated after the effective date of the regulations by chemical analysis of soil, vapor, or water samples (including surface water, groundwater and influent/effluent water samples from remediation systems), shall be submitted in Electric Data File (EDF) format.
- b. The latitude and longitude of any permanent monitoring well for which data is reported in EDF format, accurate to within 1 meter and referenced to a minimum of two reference points from the California Spatial Reference System (CSRS-H), if available.
- c. The surveyed elevation relative to a geodetic datum of any permanent monitoring well.
- d. The elevation of groundwater in any permanent monitoring well relative to the surveyed elevation.
- e. A site map or maps showing the location of all sampling points referred to in the report.
- f. The depth to the screened interval and the length of screened interval for any permanent monitoring well.
- g. Boring logs, in PDF format.
- h. A complete copy of the report, in PDF format, which includes the signed transmittal letter and professional certification.

The GeoTracker website address is
<http://www.geotracker.waterboards.ca.gov>. Deadlines for electronic
submittals coincide with deadlines for paper copy submittals.

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C. NOTIFICATIONS

1. Failure to comply with the requirements of this order directed pursuant to Water Code section 13267 may subject you to enforcement action, including but not limited to: imposition of administrative civil liability under water code section 13268 or referral to the attorney general for injunctive relief or civil or criminal liability
2. Any person affected by this action of the Regional Board to require certain technical or monitoring reports under Water Code section 13267 may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board, Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812, within 30 days of the date of this Final Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

Dated this 9th day of April 2008

BY THE EXECUTIVE OFFICER



MICHAEL P. McCANN
Assistant Executive Officer
April 4, 2008

Signed pursuant to the authority
delegated by the Executive Officer to
the Assistant Executive Officer